

**SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

In the Matter of the Petition of Dalia Genger, as Trustee of the Orly Genger 1993 Trust, Created by Trust Agreement Dated December 13, 1993 between ARIE GENGER, as Grantor, and LAWRENCE M. SMALL and SASH A. SPENCER, as Trustees, to Turnover Property to the Orly Genger 1993 Trust.

Dalia Genger, Trustee of the Orly Genger 1993 Trust,

Petitioner,

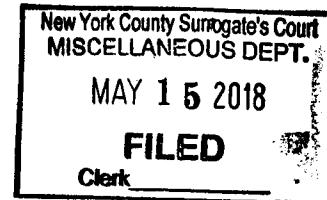
-against-

Orly Genger, et al.,

Respondents.

File No.: 2008-0017/E

Surrogate Nora S. Anderson



NOTICE OF MOTION TO DISMISS AMENDED PETITION

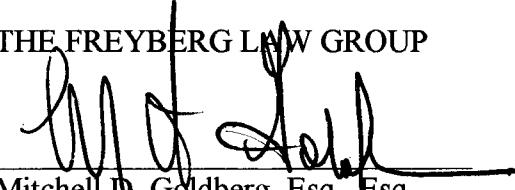
PLEASE TAKE NOTICE THAT, upon the accompanying Affirmation of Mitchell D. Goldberg dated May 14, 2018, and upon all the pleadings and proceedings heretofore had herein, Respondents Arnold Broser and David Broser, through his undersigned attorneys, will move this Court, at 31 Chambers Street, New York, New York 10007, Room 509, on June 1, 2018 at 10:00 a.m., or as soon thereafter as counsel can be heard, for an order dismissing with prejudice Dalia Genger's Amended Petition pursuant to SCPA Section 102 and CPLR Sections 3211(a)(4), (5), (7) and (8) and for such further and other relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to CPLR 2214(b), answering papers, and any notice of cross-motion, with supporting papers, if any, shall be served on the undersigned counsel at least seven (7) days prior to the return date of this motion.

Dated: New York, New York
May 16, 2018

THE FREYBERG LAW GROUP

By:


Mitchell D. Goldberg, Esq., Esq.

950 Third Avenue, 32nd Floor

New York, New York 10022

(212) 983-1221

Attorneys for Respondents

Arnold Broser and David Broser

To: Law office of Judith Bachman
Attn: Judith Bachman, Esq.
254 S. Main Street
Suite 306
New City, New York 10956
(845) 639-3210
Attorney for Petitioner Dalia Genger

CERTIFICATE OF SERVICE

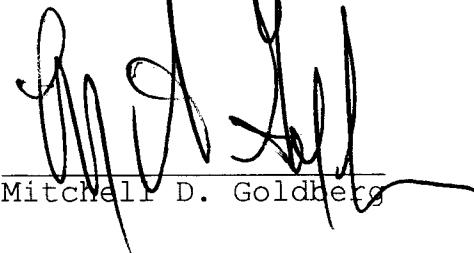
I hereby certify that I am not a party to the action, am over 18 years of age and reside in the County of Westchester, State of New York and that I am an attorney duly admitted to the Courts of the State of New York.

That on the 14th day of May, 2018, I served the within Notice of Motion To Dismiss Amended Petition with accompanying Affirmation of Mitchell D. Goldberg upon the following in this action:

Judith Bachman, Esq.
254 S. Main Street, Suite 306
New City, New York 10956
Counsel to Petitioner Dalia Genger

by depositing a true copy of same enclosed at the address designated by said attorneys for that purpose by Federal Express, in an official depository under the exclusive care and custody of Federal Express within the State of New York State.

Dated: May 14, 2018



Mitchell D. Goldberg